

Mexico Academy and Central School District Community Use of Facility Guidelines

The Education Law

414. Use of Schoolhouse and Grounds Out of School Hours

School house and the grounds connected therewith and all property belonging to the District shall be in the custody and under the control and supervision of the trustees or Board of Education of the District. The trustees or Board of Education may adopt reasonable regulations for the use of such schoolhouses, grounds or other property, when not in use for school purposes, for such other public purposes as are herein provided. Such regulations shall not conflict with the provisions of this chapter and shall conform to the purpose and intent of this section and shall be subject to review on appeal to the Commissioner of Education as provided by law. The trustees or Board of Education of each district may, subject to regulations adopted as above provided, permit the use of the schoolhouse and rooms therein, and the grounds and other property of the District when not in use for school purposes, except as provided in Subdivision seven hereof;

- 1) For the purpose of instruction in any branch of education, learning or the arts.
- 2) For public library purposes, subject to the provisions of this chapter, or as stations of public libraries.
- 3) For holding social, civic and recreational meetings and entertainment's, and other uses pertaining to the welfare of the community; but such meetings, entertainment and uses shall be nonexclusive and shall be open to the general public.
- 4) For meetings, entertainment's and occasions where admission fees are charged, when the proceeds thereof to be expended for an education or charitable purpose; but such use shall not be permitted if such meetings, entertainment and occasions are under the exclusive control and the said proceeds are to be applied for the benefit of a society, association or organization or a religious sect or denomination, or a fraternal, secret or exclusive society or organization other

than organizations of veterans of the military, naval and marine service of the United States and organizations of volunteer firemen.

Priority of Use

1. School and School Related Activities - School activities are defined as activities directly conducted by school authorities, such as musicals, plays, class or club sponsored events, open house, athletics, intramural athletics. School related activities are defined as activities sponsored by organizations or groups/individuals directly related with the school, Board approved clubs, committees appointed by the Board, continuing education activities, school related athletic and curricular activities, and other educationally related enrichment activities.
2. Community Youth Organizations and Groups – Recreation department activities include those sponsored by any governmental or governmental sanctioned organization for the benefit/recreation of the youth of the governmental entity. It also includes community sponsored athletic activities (AYSO, Little Leagues, etc.) and parents' groups.
3. All other community organizations and groups – This grouping includes all other organizations and groups legally entitled to use the facilities (fireman's organizations, etc.) as well as adult recreation groups who utilize the facilities on a casual basis.
4. Non-community and for-profit organizations – These may be scheduled on a space available basis when in the opinion of appropriate school authorities (the Superintendent or his/her designee) these organizations will have an enriching effect on the community. These may include cultural, entertainment, or other activities not prohibited by law of this policy.

Definitions

Community is defined as District Resident; however, this is not meant to exclude others from outside of the district from utilizing facilities. Non-community organizations and groups will have access to facilities based on established priorities.

Acceptable tax-exempt/not-for-profit organizations include those tax-exempt and not-for-profit organizations whose charter or focus includes serving the needs of district resident children. Such organizations may be

favorably considered for use of facilities under priorities 2, 3, or 4. Not-for-profit organizations anticipating use of facilities should seek Board of Education approval of their status no later than 30 days prior to the event, but, preferably, making application for the use of facilities.

Rules and Regulations

Resolve, that the following rules and regulations for the use of school buildings and grounds, or any part thereof, when not in use for school purposes, for such other purposes as are provided in Section 414 of the State Education Law, are hereby adopted effective immediately:

- 1) Events may be cancelled by the school district when the situation/conditions warrant.
- 2) Event sponsor is responsible for clean-up of site or for related cost for clean-up.
- 3) Equipment placed on fields by sponsor should be removed at conclusion of event. Failure to do so will lead to the removal at sponsor's expense.
- 4) Parking on the grass or blocking gates and/or roadways is prohibited.
- 5) Violation of rules will result in revocation of permit.
- 6) Application by any organization for the use of any school building or grounds, or any part thereof, shall be in writing on the form provided by the district, and shall be filed in the office of the Principal at least three weeks prior to the date for which the request is made.
- 7) Application shall contain the name and address of the applicant; the date and time limits of use; the use for which application is made; the name of the beneficiary; the part of building or grounds desired for use; the number of persons expected; the admission that will be charged by the organization (if any); and such other information as the Board of Education may require. Use is to be only as stated in permit; holder of permit shall use only the part of the building or grounds specified; and no permit issued for a specified part of the school building shall be presumed to give the holder the right to use any other part. The number of tickets sold, if applicable, must not

- exceed the seating capacity of the space for which the permit is issued.
- 8) All local ordinances and rules of the local police and fire departments regarding public assemblies shall be strictly complied with.
 - 9) The event sponsor is responsible to obtain all necessary and or required Department of Health permits. A permit is not transferable. You can find a printable Temporary Food Service application at the Oswego County Health Department website. The pathway to the application is under Programs then Food Service, click on Printable Permit Applications then Food. The following is a link to the main page. <https://health.oswegocounty.com/programs/environmental1/index.php>
 - 10) The Board of Education, at its discretion, may reject any application and revoke any permit; and no permit shall be considered as a lease.
 - 11) At no time during school hours shall there be any activity in or around the school building on the part of the user of the permit, nor any interference with the normal conduct of classes or school functions.
 - 12) The presence of adequate adult supervision is required at all times.
 - 13) Motor vehicles are restricted to the parking lot.
 - 14) Alcoholic beverages are not permitted on school property.
 - 15) A permit does not include the use of equipment owned by the school or Board of Education.
 - 16) Special permission must be obtained for decorating, installing scenery, moving and tuning pianos, moving school properties, and for use of spotlights, floodlights, or other electric light or power accessories. Props, including artificial plants, draperies, etc. shall be flame proof or fire resistant.
 - 17) All scenery and other equipment provided by the user of the permit must be removed from the building promptly after the performance or use, and in such a manner as not to interfere with school activities. Any school property or equipment permitted to be moved shall be replaced promptly by the user of the permit.
 - 18) Whenever materials, equipment, furnishings or rubbish are left after the use of the school building or grounds by the user of the permit, the party to whom the permit is issued will be

- required to pay for the cost of removal, which removal will not be delayed for the convenience of the user of the permit.
- 19) The Principal shall be consulted as to all dates for use; and school activities shall take precedence over other use of buildings and grounds in the assignment of dates for use.
 - 20) When it is deemed necessary to assign additional custodians to work in conjunction with an extracurricular/community event, the scheduling of such custodial personnel will be done jointly by the Building Principal and the Supervisor of Buildings and Grounds. The expense for any additional custodial staff assigned shall be charged to the user group at a predetermined rate. The service of custodians is in connection with the buildings and grounds only and does not include the handling of scenery, equipment or property of the user of the permit. All custodial fees will be waived for programs which are a part of the instructional program or a direct adjunct to the instructional program. This will include such activities as District-wide musical programs, band concerts, dramatic presentations, school musicals, etc. The Superintendent of Schools and his/her designee may also waive custodial fees for use of school facilities, when in his/her judgment, circumstances may prevail.
 - 21) Regular cafeteria personnel shall be assigned by the School Lunch Director as determined by the Principal. The service of the cafeteria personnel shall be confined to cafeteria supervision. All expense of cafeteria personnel will be paid by the user.
 - 22) Where an applicant states that proceeds from use are for a charitable or educational purpose and district administration file a request, a statement of receipts, expenditures, and surplus is to be rendered to the Office of the Superintendent within two weeks of the date of use, together with tangible evidence that the beneficiary so named has in fact received the benefit indicated.
 - 23) The term "Officer" as used in the application, shall mean a person authorized by and responsible to an organization to act for it for the purpose of transacting necessary business in connection with the use applied for.
 - 24) Personnel service and/or building use fees shall be paid to the School District within two (2) weeks after mailing of an invoice.
 - 25) The user of the permit shall agree to indemnify

- the Board of Education for loss, damage or expense arising from the use of the permit. In addition, all organizations are required to have on file at the Business Office Certificate of General Public Liability Insurance, as required and in the amount as specified below.
- 26) The Superintendent of Schools shall review and make recommendations to the Board of Education on applications received from an individual or organization for the first time use of school buildings and grounds, and shall supervise the issuance of all permits in accordance with these rules and regulations.
 - 27) The Building Principal shall have the authority to approve or disapprove the issuance of permits to use school buildings and grounds.
 - 28) Anything contained in this Regulation to the contrary notwithstanding, the Building Principal or Administrative Officer having jurisdiction shall have the authority, at his/her discretion, to approve or disapprove any application for the use of District buildings, grounds or other facilities submitted by a governmental or municipal department, bureau, or agency. If he/she disapproves the application, the Principal or Administrative Officer may present the application together with a statement of his/her reasons for rejecting the same, to the Superintendent of Schools for his/her consideration and final decision.
- Prior to the start of this event, participants must be notified of proper procedures and exit routes to follow in case of a fire or emergency. You should check with the building principal for those procedures and exit routes that apply to you and your event.
- Permit holder is to notify the Building Principal a minimum of 48 hours in advance should the cancellation of a scheduled event be necessary. Failure to do so may result in a minimum charge of \$60.00 to the respective organization for call-in costs incurred by the School District.

Insurance Requirements

1. Notwithstanding any terms, conditions or provisions, in any other writing between the parties, the permittee hereby agrees to effectuate the naming of the district as an additional insured on the permittee's insurance policies.

2. The policy naming the district as an additional insured shall:
 - Be an insurance policy from an A.M. Best rated "secure" or better insurer, licensed in New York State.
 - State that the organization's coverage shall be primary and non-contributory coverage for the district it's Board, employees and volunteers.
 - The district shall be listed as an additional insured by using endorsement CG 2026 or equivalent. A completed copy of the endorsement must be attached to the certificate of insurance.
 - At the District's request, the organization shall provide a copy of the declaration page of the liability and umbrella policies with a list of endorsements and forms. If so requested, the organization will provide a copy of the policy endorsements and forms.
3. The permittee agrees to indemnify the district for any applicable deductibles and self-insured retentions.
4. The insurance producer must indicate whether they are an agent for the companies providing the coverage.
5. Required Insurance:
 - **Commercial General Liability Insurance**
\$1,000,000 per occurrence/ \$2,000,000 aggregate, with coverage for athletic participants.
6. Permittee acknowledges that failure to obtain such insurance on behalf of the district constitutes a material breach of contract and subjects it to liability for damages, indemnification and all other legal remedies available to the district. The permittee is to provide the district with a certificate of insurance, evidencing the above requirements have been met, prior to the commencement of work or use of facilities.
7. The district is a member/owner of Utica National Insurance. The user further acknowledges that the procurement of such insurance as required herein is intended to benefit not only the district but also Utica National, as the district's insurer.